

REMARKS/ARGUMENTS

Claims 23-35 were examined, with claims 1-21 and 36-43 having been withdrawn pursuant to a restriction requirement. The claims have been amended and canceled as noted above. Reexamination and reconsideration of the claims, as amended, are respectfully requested.

Applicants respectfully traverse the Double Patenting rejection. Regardless of the relevance of the claims, Applicants note that the Sokolik '957 patent issued in 1967 and is available under 35 U.S.C. ¶ 102(b), as correctly noted by the Examiner in a later rejection. Moreover, the Sokolik patent is not commonly owned with the present application. Under such circumstances, Double Patenting rejections are inappropriate.

Claims 23-35 were also rejected as being anticipated by the Sokolik '957 patent under 35 U.S.C. § 102(b). Such rejections are traversed in part and overcome in part.

Independent claim 23, the only pending independent claim, recites a circulation catheter having a catheter body and an impeller. Of particular note, the circulation catheter includes "a clearing element disposed at the distal opening of the catheter body to prevent the materials from accumulating at the distal opening." Nowhere does Sokolik disclose a clearing element as claimed herein. While Sokolik does show a continuous conveyor element 51 which extends from the interior of tissue retaining bars 33 into the lumen of tube 50, the conveyor bar is the equivalent to the impeller of the present invention, not the clearing element.

Nonetheless, in order to expedite prosecution of the subject application, Applicants have amended claim 23 to further recite the limitations previously set forth in dependent claims 24-26. In particular, independent claim 23 now recites both the macerator and the expansible cage surrounding the macerator. Further, claim 23 recites that the macerator is self-expandable and new dependent claim 45 further recites that the macerator expands and collapses in response to expansion of the expansible cage.

Such amendments even further distinguish the teachings of Sokolik where there is no macerator, much less a self-expanding macerator which expands and contracts in response to expansion of a surrounding cage.

CONCLUSION

For these reasons, Applicants believe that independent claim 23, as well as all claims dependent thereon, clearly distinguish the teachings of Sololik and that they are in condition for allowance.

If for any reason the Examiner believes that a telephone conference would in any way expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned at 650-326-2400.

Respectfully submitted,

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